

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 09-02180 EMC	DATE FILED 5/18/09	U.S. DISTRICT COURT Northern District of California, San Francisco Division
PLAINTIFF APPLIED SIGNAL TECHNOLOGY, INC.		DEFENDANT EMERGING MARKETS COMMUNICATIONS, INC., ET AL.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,859,641		
2 7,228,104		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wicking	(BY) DEPUTY CLERK Gloria Acevedo	DATE May 20, 2009
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

COPY

JAMES POOLEY (CA SBN 58041)
L. SCOTT OLIVER (CA SBN 174824)
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: 650.813.5600
Facsimile: 650.494.0792
Email: JPooley@mofo.com
SOliver@mofo.com

BARRY N. YOUNG (CA SBN 178235)
LAW OFFICES OF BARRY N. YOUNG
200 Page Mill Road
Palo Alto, California 94306-2061
Telephone: 650.326.2701
Facsimile: 650.326.2799
Email: BYoung@young-iplaw.com

Attorneys for Plaintiffs
APPLIED SIGNAL TECHNOLOGY, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APPLIED SIGNAL TECHNOLOGY, INC.

Plaintiff,

v.

EMERGING MARKETS COMMUNICATIONS,
INC., PARADISE DATACOM, LLC, and
VIASAT, INC.,

Defendants.

ORIGINAL FILE

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Richard W. Wiedeman
U.S. District Court
Northern District of California
San Jose

Case No. **C09 02180**

**COMPLAINT FOR PATENT
INFRINGEMENT**

EMC

DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 **PARTIES**

3 1. Plaintiff Applied Signal Technology, Inc. ("AST") is a corporation organized and
4 existing under the laws of the State of California, having its principal place of business in
5 Sunnyvale, California. AST is the owner of the patents at issue in this action.

6 2. On information and belief, Defendant Emerging Markets Communications, Inc.
7 ("EMC") is a corporation organized and existing under the laws of the State of Delaware, having
8 its principal place of business in Miami, Florida.

9 3. On information and belief, Defendant Paradise Datacom, LLC ("Paradise
10 Datacom") is a corporation organized and existing under the laws of the State of Pennsylvania,
11 having its principal place of business in State College, Pennsylvania.

12 4. On information and belief, Defendant ViaSat, Inc. ("ViaSat") is a corporation
13 organized under the laws of the State of Delaware, having its principal place of business in
14 Carlsbad, California.

15 **JURISDICTION AND VENUE**

16 5. This is an action for damages and injunctive relief based upon patent infringement
17 arising under Title 35 of the United States Code.

18 6. Upon information and belief, Defendants have transacted business in this District,
19 contracted to supply goods or services in this District directly or through their agents, and have
20 otherwise purposely availed themselves of the privileges and benefits of the laws of the State of
21 California. This Court has jurisdiction over Defendants because Defendants have committed acts
22 of patent infringement during the course of their business in this District.

23 7. This Court has jurisdiction over the subject matter of this action pursuant to
24 28 U.S.C. § 1331 and 28 U.S.C. § 1338.

25 8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1400(b) and 1391.

26 **THE PATENTS IN SUIT**

27 9. On February 22, 2005, United States Patent No. 6,859,641 ("the '641 patent")
28 entitled "Adaptive Cancellor for Frequency Reuse Systems" was duly and legally issued to

1 Glenn D. Collins, Don L. Anair, and Michael J. Ready. A true and correct copy of the
2 '641 patent is attached hereto as Exhibit A to this Complaint.

3 10. On June 5, 2007, United States Patent No. 7,228,104 ("the '104 patent) entitled
4 "Adaptive Cancellor for Frequency Reuse Systems" was duly and legally issued to
5 Glenn D. Collins, Don L. Anair, and Michael J. Ready. A true and correct copy of the '104
6 patent is attached hereto as Exhibit B to this Complaint.

7 11. AST is the assignee and owner of the '641 patent and '104 patents.
8

9 **COUNT I**

10 **INFRINGEMENT OF THE '641 PATENT**

11 12. AST realleges and incorporates herein by reference the allegations contained in
12 paragraphs 1-11.

13 13. On information and belief, EMC has infringed and continues to infringe; has
14 induced and continues to induce others to infringe; and/or has committed and continues to
15 commit acts of contributory infringement, literally or under the doctrine of equivalents, of one or
16 more claims of the '641 patent. EMC's infringing activities in the United States and this District
17 include the development, manufacture, use, importation, sale, and/or offer for sale of products,
18 including but not limited to EMC's Noise Reduction System (NRS) products ("EMC's NRS
19 products"), and inducing others to do the same. Such products have no substantial non-infringing
20 use. EMC's infringing activities violate 35 U.S.C. § 271.

21 14. On information and belief, Paradise Datacom has infringed and continues to
22 infringe; has induced and continues to induce others to infringe; and/or has committed and
23 continues to commit acts of contributory infringement, literally or under the doctrine of
24 equivalents, of one or more claims of the '641 patent. Paradise Datacom's infringing activities in
25 the United States and this District include the development, manufacture, use, importation, sale,
26 and/or offer for sale of products, including but not limited to the PCMA-70 Series Satellite
27 Bandwidth Extender and the Quantum Series Satellite Modems, and inducing others to do the
28

1 same. Such products have no substantial non-infringing use. Paradise Datacom's infringing
2 activities violate 35 U.S.C. § 271.

3 15. On information and belief, ViaSat has infringed and continues to infringe; has
4 induced and continues to induce others to infringe; and/or has committed and continues to
5 commit acts of contributory infringement, literally or under the doctrine of equivalents, of one or
6 more claims of the '641 patent. ViaSat's infringing activities in the United States and this District
7 include the development, manufacture, use, importation, sale, and/or offer for sale of products,
8 including but not limited to the VPCMA-70 Satellite Signal Canceller, and inducing others to do
9 the same. Such products have no substantial non-infringing use. ViaSat's infringing activities
10 violate 35 U.S.C. § 271.

11 16. On information and belief, Defendants' direct, induced, and/or contributory
12 infringement has been, and continues to be, willful and deliberate, and has caused substantial
13 damage to AST.

14 17. On information and belief, Defendants' infringement in violation of the federal
15 patents laws will continue to injure AST unless otherwise enjoined by this Court.

16 COUNT II

17 **INFRINGEMENT OF THE '104 PATENT**

18 18. AST realleges and incorporates herein by reference the allegations contained in
19 paragraphs 1-17.

20 19. On information and belief, EMC has infringed and continues to infringe; has
21 induced and continues to induce others to infringe; and/or has committed and continues to
22 commit acts of contributory infringement, literally or under the doctrine of equivalents, of one or
23 more claims of the '104 patent. EMC's infringing activities in the United States and this District
24 include the development, manufacture, use, importation, sale, and/or offer for sale of products,
25 including but not limited to EMC's NRS products, and inducing others to do the same. Such
26 products have no substantial non-infringing use. EMC's infringing activities violate
27 35 U.S.C. § 271.
28

1 20. On information and belief, Paradise Datacom has infringed and continues to
2 infringe; has induced and continues to induce others to infringe; and/or has committed and
3 continues to commit acts of contributory infringement, literally or under the doctrine of
4 equivalents, of one or more claims of the '104 patent. Paradise Datacom's infringing activities in
5 the United States and this District include the development, manufacture, use, importation, sale,
6 and/or offer for sale of products, including but not limited to the PCMA-70 Series Satellite
7 Bandwidth Extender and the Quantum Series Satellite Modems, and inducing others to do the
8 same. Such products have no substantial non-infringing use. Paradise Datacom's infringing
9 activities violate 35 U.S.C. § 271.

10 21. On information and belief, ViaSat has infringed and continues to infringe; has
11 induced and continues to induce others to infringe; and/or has committed and continues to
12 commit acts of contributory infringement, literally or under the doctrine of equivalents, of one or
13 more claims of the '104 patent. ViaSat's infringing activities in the United States and this District
14 include the development, manufacture, use, importation, sale, and/or offer for sale of products,
15 including but not limited to the VPCMA-70 Satellite Signal Cancellor, and inducing others to do
16 the same. Such products have no substantial non-infringing use. ViaSat's infringing activities
17 violate 35 U.S.C. § 271.

18 22. On information and belief, Defendants' direct, induced, and/or contributory
19 infringement has been, and continues to be, willful and deliberate, and has caused substantial
20 damage to AST.

21 23. On information and belief, Defendants' infringement in violation of the federal
22 patents laws will continue to injure AST unless otherwise enjoined by this Court.

23 24. On information and belief, Defendants' direct, induced, and/or contributory
24 infringement has been, and continues to be, willful and deliberate, and has caused substantial
25 damage to AST.

26 25. On information and belief, Defendants' infringement in violation of the federal
27 patents laws will continue to injure AST unless otherwise enjoined by this Court.

1
2 **PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiff prays for judgment and relief as follows:

4 1. A judgment that Defendants have infringed, induced infringement of, and/or
5 contributorily infringed, literally or under the doctrine of equivalents, the '641 patent, in violation
6 of 35 U.S.C. § 271.

7 2. A judgment that Defendants have infringed, induced infringement of, and/or
8 contributorily infringed, literally or under the doctrine of equivalents, the '104 patent, in violation
9 of 35 U.S.C. § 271.

10 3. Preliminary and permanent injunctive relief enjoining Defendants, their officers,
11 agents, servants, employees, attorneys, and all other persons in active concert or participation
12 with them as follows:

- 13 a. from selling or offering to sell any product falling within the scope of the
14 claims of the '641 and '104 patents;
15 b. from importing any product into the United States falling within the scope
16 of the claims of the '641 and '104 patents;
17 c. from using any product falling within the scope of the claims of the '641 and
18 '104 patents;
19 d. from actively inducing others to infringe any claims of the '641 and
20 '104 patents;
21 e. from engaging in acts constituting contributory infringement of any of the
22 claims of the '641 and '104 patents;
23 f. from all other acts of infringement of any of the claims of the '641 and
24 '104 patents;

25 4. A declaration that Defendants' infringement of the '641 and '104 patents was
26 willful and deliberate and that this case is exceptional pursuant to 35 U.S.C. § 285;

27 5. An award of damages adequate to compensate AST for Defendants' infringement
28 of the '641 and '104 patents;

6. An award of treble damages resulting from Defendants' willful and deliberate infringement, and all other categories of damages allowed by 35 U.S.C. § 284;

7. An award of AST's costs, expenses, and attorneys' fee incurred in bringing and prosecuting this action, including pursuant to 35 U.S.C. § 285;

8. An award of pre-judgment interest; and

9. For such further relief as this Court deems AST may be entitled to in law and in equity.

JURY DEMAND

AST demand a jury trial on all issues triable to a jury in this matter.

Dated: May 18, 2009

**JAMES POOLEY
L. SCOTT OLIVER
MORRISON & FOERSTER LLP**

By:

James Pooley

Attorneys for Plaintiff
APPLIED SIGNAL TECHNOLOGY, INC.